

FREDERICK COUNTY PLANNING COMMISSION
MEETING OF September 9, 2009
9:30 a.m.

Members Present: Audrey Wolfe, Chairperson; Catherine Forrence, Vice-Chair; Robert White, Secretary; Joe Brown, Richard Floyd, and John McClurkin.

Staff Present: Gary Hessong, Director, DPDR; Kathy Mitchell, Assistant County Attorney; Tolson DeSa, Principal Planner; Michael Wilkins, Environmental Principal Planner, Ron Burns, Traffic Engineer; Betsy Smith, Deputy Director, DPDR, Kathy Hall, Engineer DPDR; Bryon Mitchell Manager, Office of Life Safety and Linda Williamson, Development Review Technician.

1. **MINUTES:**

Mr. Brown made a motion to approve the Minutes as amended by Catherine Forrence from July 15th, 2009 FcPc Meeting. 2nd Ms. Forrence.

Yea 4 Nay 0 Abstained 2 (McClurkin / White) Absent (Hagen)

Mr. Brown made a motion to approve the Minutes as written from August 12, 2009 FcPc Meeting. 2nd Mr. White.

Yea 6 Nay 0 Absent (Hagen)

2. **PLANNING COMMISSION COMMENTS:**

Mr. White stated that the Planning Commission made an official recommendation for the Rural One Lane Bridges Program which did not get presented to the BoCC by the Planning liaison and requested the Planning Staff present the recommendation.

Ms. Forrence and Mr. Floyd spoke on the City annexation and commended our BoCC for presenting a well done case filled with actual data.

3. **AGENCY COMMENTS/AGENDA BRIEFING:**

Jim Gugel gave an update on the Countywide Comprehensive Plan

4. **ELECTION OF OFFICERS**

- a) Rules and Procedures, Section 2-Officer and Committees
 - 2.1 - The commission shall organize annually in the month of September and elect a Chairman, Vice-Chairman and Secretary. (10-19-05)

Decision: Mr. Floyd made a motion for Ms. Forrence - Chair, Mr. White - Vice Chair and Mr. McClurkin - Secretary, 2nd Mr. Brown.

Yea 6 Nay 0 Absent (Hagen)

5. **PRELIMINARY PLAT**

- a) Wedgewood Business Park: Lot 26 Phase III Amendment - This application was continued from both the July 8, 2009 and the August 12, 2009 meeting. The applicant is requesting approval of a Phase III Preliminary Plan Amendment proposing the addition of 9.337 acres to the existing 2.009 acre Wedgewood Lot 26. The 9.337 acre parcel was joined to Lot 26 from the adjacent Russell Property via an addition plat which was approved on June 12, 2008. Located along International Boulevard north of English Muffin Way. Zoned: Limited Industrial (LI), Adamstown Planning Region. Tax Map 86 / Parcel 8. File# SP-05-15, AP# 9442, Tolson DeSa

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application does not meet all applicable requirements of the code because the Lot 28 owners have not been included in the application when access to extended Lot 26 is proposed via the common access drive lying partially on Lot 28. Therefore, Staff cannot recommend approval of this application.

Recommendation:

Staff recommends DENIAL. Should the Planning Commission conditionally approve this Preliminary Plan SP # 01-10 (AP# 9442, APFO 9443 & FRO 9444) for the proposed Wedgewood Business Park Phase III and Lot 26 Preliminary Plan Amendment, the motion for approval should include the following item:

1. Site plan approval for a period of three years from today's date.

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. The Applicant shall submit an assignment signed by the owner of Russell Property that confirms and transfers that portion of the FRO mitigation easements on the Russell Property to the 9.337 acre portion of land to be added to the existing Lot 26, per Final Forest Plan (AP 6866). The assignment shall include mitigation (recorded easement and fee-in-lieu payment) and will prohibit the release of FRO mitigation, even if the Russell Property is not developed.

3. It is Staff's understanding that the Access Road is owned in fee simple by the owners of Lot 26 and the owners of Lot 28. Therefore, Staff is unable to recommend approval of a revised preliminary plat that allows access over property not owned by the applicant.
4. The Applicant shall provide written documentation from Lot 28 showing that they have been added to the joint access easement with Lot 26.
5. Confirmation shall be provided to Staff that the addition to Lot 26 is subject to all applicable rules, codes, covenants, restrictions and responsibilities of all other properties within Wedgewood Business Park

Staff Presentation:

Tolson DeSa, DPDR, presented the Staff Report

Kathy Mitchell, Assistant County Attorney, spoke on the Preliminary Plat application.

Applicant Presentation:

Mr. Rand Weinberg, Esquire, representing the applicant presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. White made a motion for up to a 60 day continuance. 2nd Mr. Brown.

Yea 4 Nay 2 (Forrence / Floyd) Absent (Hagen)

6. SITE PLANS

- a) Wedgewood Business Park, Lot 26 - **The Applicant withdrew the application.**
- b) Potomac Valley Brick- The Applicant is requesting approval for a change of use site plan approval for brick yard use within an existing 60,180 square foot of wholesale, warehouse and storage space on a 15.37-acre site. No new construction is being proposed as part of this application, with the exception of some fence removal, stormwater managment and grading. Located along MD 355 south of New Horizon Way. Zoned: General Industrial (LI), Frederick Planning Region, Tax Map 86 / Parcel 99. File# SP-08-32, AP# 9535, Tolson

All parties and Staff wishing to give testimony in this matter were sworn in.

Staff Findings/Recommendations:

Findings

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and the APFO is valid for a period of three (3) years from the date of Planning Commission's APFO approval.

Staff has no objection to conditional approval of the site plan.

Recommendation:

Should the Planning Commission conditionally approve this Site Plan SP # 09-07 (AP# 9535, APFO 9536 & FRO 9537) for the proposed Potomac Valley Brick, the motion for approval should include the following item:

1. Approval of a 60,180 square foot Wholesale/Warehouse/Showroom building, consisting of one (1) building on a 15.374 acre site. The proposed uses for site are broken down into the following: 12,000 square feet of wholesale, 23,300 square feet of Warehouse Storage, in addition to 24,880 square feet of outdoor storage. The Applicant is proposing a total of 46 paved parking spaces throughout the site.
2. Site plan approval for a period of (3) three years from today's date.
3. APFO approval for a period no longer than three (3) years from today's date, or as long as the site plan remains valid, whichever comes first.

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.

Staff Presentation:

Tolson DeSa, DPDR, presented the Staff Report

Ron Burns, DPDR, Development Review Engineering, spoke on the application and how it was subjectively determined to not request a sidewalk on property frontage along MD 355.

Gary Hessong, Director, DPDR stated the health department is notified of the Planning Commission meetings and he will continue to advise them on the concern from the planning commission to have representation at the meetings.

Applicant Presentation:

Mr. Plitt, Macris, Hendricks & Glascock, P.A representing the applicant presented the proposal.

Public Comment:

N/A

Rebuttal:

N/A

Decision: Mr. Brown made a motion for a 60 day continuance to hear from the Health Department and to continue the discussion on other site issues including sidewalks. 2nd Ms. Wolfe.

Yea 5 Nay 1 (White) Absent (Hagen)

7. **PUBLIC SESSION – TEXT AMENDMENT**

- a) **FT-09-01: Forest Resource Ordinance (FRO)** – Requesting a recommendation be forwarded to the Board of County Commissioners for a proposed FRO text amendment. This text amendment is required in order to comply with recent changes to the Maryland Forest Conservation Act (SB 666, Chapter 298).
Michael Wilkins

Staff Presentation:

Michael Wilkins, DPDR, presented the Staff Report

Decision: Mr. White made a motion to send forward an approval of the Text Amendment to the BoCC. 2nd Ms. Forrence.

Yea 5 Nay 1(Wolfe) Absent (Hagen)

Decision: Mr. White also made a second motion, to accompany the recommendation, that the BoCC send a letter to the Department of Natural Resources and Maryland Department of Planning about the impact of the reduction in the exempted square footage of Agriculture (AG) use from 40,000 sq. ft. to 20,000 sq. ft. of disturbance and elimination of the grandchild provision. 2nd Ms. Forrence.

Yea 6 Nay 0 Absent (Hagen)

Meeting adjourned at 12:20 p.m.

Respectfully Submitted,


Catherine Forrence, Chairperson